

SENATE JOURNAL
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FIFTY-SEVENTH LEGISLATURE

TWENTY-FOURTH LEGISLATIVE DAY
WEDNESDAY, JANUARY 29, 2003

Senate Chamber

President Risch called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Lodge, Noble, Pearce, and Stennett, absent and excused.

Prayer was offered by Chaplain Gene Arnold.

The Pledge of Allegiance was led by Jared Larsen, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 28, 2003, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

January 29, 2003

The JUDICIARY AND RULES Committee reports that **S 1035** has been correctly printed.

DARRINGTON, Chairman

S 1035 was referred to the Local Government and Taxation Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

January 27, 2003

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Robert A. Hoff of Idaho Falls, Idaho, was appointed as a member of the Idaho Aeronautics Advisory Board to serve a term commencing January 31, 2003, and expiring January 31, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Transportation Committee.

January 28, 2003

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Pamela J. Huntsman of Twin Falls, Idaho, was appointed as a member of the Idaho Sexual Offender Classification Board to serve a term commencing January 1, 2003, and expiring January 1, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Judiciary and Rules Committee.

January 28, 2003

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that James F. Kile of Meridian, Idaho, was appointed as a member of the Idaho

Industrial Commission to serve a term commencing January 13, 2003, and expiring January 13, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

January 28, 2003

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Monte C. McClure of Meridian, Idaho, was appointed as a member of the Idaho Transportation Board to serve a term commencing January 31, 2003, and expiring January 31, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Transportation Committee.

January 28, 2003

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Roger Simmons of Eagle, Idaho, was appointed as Director of the Idaho State Lottery to serve a term commencing January 20, 2003, and continuing at the pleasure of the Governor.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

Senator Stennett was recorded present at this order of business.

January 28, 2003

Mr. President:

I transmit herewith **H 72, H 33, H 4, and H 5** which have passed the House.

JUKER, Chief Clerk

H 72, H 33, H 4, and H 5 were filed for first reading.

January 28, 2003

Mr. President:

I transmit herewith Enrolled **HCR 4, HCR 5, HCR 6, HCR 7, H 1, and H 70** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HCR 4, HCR 5, HCR 6, HCR 7, H 1, and H 70** and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senators Lodge and Noble were recorded present at this order of business.

The President announced the State Affairs Committee report relative to the Gubernatorial appointment of Ruthie Johnson was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Calabretta, seconded by Senator Little, the Gubernatorial appointment of Ruthie Johnson as a member of the Idaho Commission on Human Rights was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced the State Affairs Committee report relative to the Gubernatorial appointment of William A. Switz was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Stennett, seconded by Senator Little, the Gubernatorial appointment of William A. Swift as a member of the Idaho Commission on Human Rights was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

Senator Pearce was recorded present at this order of business.

S 1036

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO GROOMED SNOWMOBILE TRAILS; AMENDING SECTION 67-7112, IDAHO CODE, TO EXCLUDE CERTAIN ALL TERRAIN VEHICLES FROM SNOWMOBILE REGISTRATION REQUIREMENTS.

S 1037

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO DISSOLUTION OF HIGHWAY DISTRICTS; AMENDING SECTION 40-1802, IDAHO CODE, TO REVISE THE MINIMUM SIGNATURE REQUIREMENTS FOR A PETITION OF DISSOLUTION OF A HIGHWAY DISTRICT; AND DECLARING AN EMERGENCY.

S 1038

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO PASSENGER SAFETY FOR CHILDREN; AMENDING SECTION 49-672, IDAHO CODE, TO PROVIDE THAT NO NONCOMMERCIAL MOTOR VEHICLE OPERATOR SHALL TRANSPORT A CHILD UNDER THE AGE OF SIX YEARS AND WHO WEIGHS LESS THAN SIXTY POUNDS UNLESS THE CHILD IS PROPERLY RESTRAINED IN A CAR SAFETY SEAT.

S 1039

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-943, IDAHO CODE, TO PROVIDE THAT NO PERSON SHALL DRIVE ANY MOTOR VEHICLE WITH ANY SIGN, POSTER OR NONTRANSPARENT MATERIAL UPON THE FRONT WINDSHIELD, THE FRONT SIDE VENTS OR FRONT SIDE WINDOWS TO THE IMMEDIATE RIGHT AND LEFT OF THE DRIVER WHICH OBSTRUCTS THE DRIVER'S CLEAR VIEW OF THE HIGHWAY OR ANY INTERSECTING HIGHWAY; AND DECLARING AN EMERGENCY.

S 1040

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO SPECIAL MOTOR VEHICLE LICENSE PLATES; AMENDING SECTION 49-402, IDAHO CODE, TO

PROVIDE A CODE REFERENCE AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING CHAPTER 4, TITLE 49, BY THE ADDITION OF A NEW SECTION 49-419C, IDAHO CODE, TO ESTABLISH AN IDAHO WHITE WATER SPECIAL LICENSE PLATE PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

S 1041

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO LICENSING OF VEHICLE DEALERS; AMENDING SECTION 49-1602, IDAHO CODE, TO PROVIDE EXAMINATION AND CONTINUING EDUCATION REQUIREMENTS FOR LICENSURE OF VEHICLE DEALERS; AMENDING CHAPTER 16, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1637, IDAHO CODE, TO SET FORTH EDUCATION REQUIREMENTS FOR VEHICLE DEALERS, TO PROVIDE EXEMPTIONS, TO PROVIDE FOR THE DEVELOPMENT OF CONTINUING EDUCATION PROGRAMS AND EXAMINATIONS, TO PROVIDE THAT CERTAIN INSTITUTIONS, SCHOOLS AND ASSOCIATIONS MAY PROVIDE APPROVED CONTINUING EDUCATION PROGRAMS AND TO PROVIDE FOR RULES PROMULGATED BY THE DEPARTMENT; AND PROVIDING AN EFFECTIVE DATE.

S 1042

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO DEALER AND MANUFACTURER LICENSE PLATES; AMENDING SECTION 49-411, IDAHO CODE, TO LIMIT THE NUMBER OF LICENSE PLATES THAT A DEALER MAY BE ISSUED BASED ON THE NUMBER OF VEHICLES SOLD DURING THE PREVIOUS DEALER LICENSING PERIOD AND TO AUTHORIZE THE DEPARTMENT TO AUDIT VEHICLE SALES DURING PREVIOUS YEARS BEFORE RENEWAL OF A DEALER'S LICENSE.

S 1043

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO RELEASE OF LIABILITY UPON SALE OF A MOTOR VEHICLE; AMENDING SECTION 49-526, IDAHO CODE, TO REQUIRE ADDITIONAL INFORMATION ON A MOTOR VEHICLE RELEASE OF LIABILITY STATEMENT UPON THE OWNER'S SALE OR TRANSFER OF A VEHICLE TO ANOTHER PARTY, TO PROVIDE THAT AN OWNER WHO FILES A RELEASE OF LIABILITY STATEMENT SHALL NOT BE LIABLE FOR SUBSEQUENT TOWING, STORAGE, REPAIR OR SERVICE CHARGES AND TO PROVIDE THAT IT IS UNLAWFUL FOR ANY PERSON TO KNOWINGLY FILE A RELEASE OF LIABILITY STATEMENT WHICH CONTAINS FALSE INFORMATION.

S 1044

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO APPLICATION FOR DRIVER'S LICENSE, INSTRUCTION PERMIT AND IDENTIFICATION CARD; AMENDING SECTION 49-306, IDAHO CODE, TO PROVIDE THAT AN APPLICANT FOR A DRIVER'S LICENSE OR INSTRUCTION PERMIT WHO IS NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER SHALL PRESENT AN INDIVIDUAL TAX IDENTIFICATION NUMBER ISSUED BY THE INTERNAL REVENUE SERVICE IN LIEU OF A SOCIAL SECURITY NUMBER AND TO CORRECT CODIFIER'S ERRORS; AMENDING SECTION 49-2443, IDAHO CODE, TO

PROVIDE THAT AN APPLICANT FOR AN IDENTIFICATION CARD ISSUED BY THE IDAHO TRANSPORTATION DEPARTMENT WHO IS NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER SHALL PRESENT AN INDIVIDUAL TAX IDENTIFICATION NUMBER ISSUED BY THE INTERNAL REVENUE SERVICE IN LIEU OF A SOCIAL SECURITY NUMBER; AND DECLARING AN EMERGENCY.

S 1045
BY TRANSPORTATION COMMITTEE
AN ACT

RELATING TO PARKING FOR PERSONS WITH A DISABILITY; AMENDING SECTION 49-213, IDAHO CODE, TO REQUIRE DESIGNATION OF SPACES, TO AUTHORIZE ADDITIONAL ENFORCEMENT AUTHORITY AND TO PROHIBIT IMPROPER PARKING; AND AMENDING SECTION 49-410, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE ADDITIONAL AUTHORITY TO AUTHORIZE A TEMPORARY PLACARD, TO INCREASE FINES FOR MISUSE AND TO MAKE TECHNICAL CORRECTIONS.

S 1036, S 1037, S 1038, S 1039, S 1040, S 1041, S 1042, S 1043, S 1044, and S 1045 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 72, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 33, by Mr. Speaker, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 4 and H 5, by Mr. Speaker, were introduced, read the first time at length, and referred to the Resources and Environment Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 55, by Mr. Speaker, was read the second time at length and filed for third reading.

H 54, by Mr. Speaker, was read the second time at length and filed for third reading, Consent Calendar.

H 74, H 75, H 77, H 79, and H 80, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:30 a.m. until the hour of 11 a.m., Thursday, January 30, 2003.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary